

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CALIFORNIA WATER SERVICE COMPANY
(U 60 W), a corporation, for an order
authorizing treatment of net proceeds from
real property sales as subject to Public Utilities
Code § 790 and for establishment of
memorandum accounts to record net sales
proceeds.

Application 03-12-008

ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING

Summary

This ruling sets forth the scope, service list, schedule, category, and assignment of the principal hearing officer for this proceeding following a February 27, 2004 Prehearing Conference (PHC), pursuant to Rule 6.3 of the Commission's Rules of Practice and Procedure.

Scope of Proceeding

The scope of this proceeding is threefold:

1. To establish a memorandum account for tracking and recording utility property that was previously included in rate base, as required by Ordering Paragraph 12 of Decision (D.) 03-09-021.
2. An up-to-date accounting of all real property that was in rate base and that CWS has sold since January 1, 1996, as required by Ordering Paragraph 13 of D.03-09-021.

3. Ratemaking treatment of all real property identified in this proceeding subject to Pub. Util. Code § 790.

Service List

With the taking of appearances at the PHC, a service list has been established for this proceeding, as set forth in Appendix A to this ruling. Parties shall serve pleadings, testimony, and other documents on all appearances listed on the service list, including those identified as Information Only and State Service.

Parties listed under the “Information Only” category who may subsequently decide to actively participate in this proceeding shall state their intended participation in writing to the assigned ALJ and request that they be reclassified to an Appearance of Record from the Information Only category, with a copy of that request to all Parties.

Schedule

The schedule for this proceeding is as follows:

Date	Activity
August 13, 2004	All Interested Parties Testimony
September 17, 2004	Rebuttal Testimony
October 14, 2004	Coordinated Witness List
October 19 & 20, 2004	Evidentiary Hearing, if necessary

The parties shall limit their testimony to matters involving the identified issues. A briefing schedule will be set at the conclusion of the evidentiary hearing. Any request for final oral argument before the Commission shall be made as part of briefs that may be filed in this proceeding.

My goal is to resolve this matter no later than December 30, 2004. However, in no event will resolution exceed 18 months from the date of this Scoping memo, pursuant to Section 1701.5 of the Public Utilities Code.

Category of Proceeding

This ruling confirms the Commission's preliminary finding in Resolution ALJ 176-3125, dated December 18, 2003, that this proceeding is a ratesetting proceeding, as described in Rule 5(c).

Assignment of Presiding Officer

Administrative Law Judge Galvin will act as principal hearing officer in this proceeding, pursuant to Rule 5(l).

IT IS RULED that:

1. The scope and schedule for this proceeding is set forth herein.
2. California Water Service Company shall coordinate with all interested parties to develop a list showing the sequence of witnesses and shall provide a copy of the agreed upon witness sequence list by letter to all parties and to the assigned Administrative Law Judge (ALJ) by October 14, 2004.
3. The service list for this proceeding is set forth in Appendix A to this ruling. Parties shall serve documents on all appearances listed on the service list, including those identified as "Information Only" and "State Service."
4. Parties listed under the Information Only category who may subsequently decide to actively participate in this proceeding shall state their intended participation in writing to the assigned ALJ and request that they be reclassified to an Appearance of Record from the Information Only category, with a copy of that request to all Parties.
5. Any request for final oral argument before the Commission shall be made as part of briefs that may be filed in this proceeding.

6. This ruling confirms that this application is a ratesetting proceeding for the purposes of Article 2.5 of the Rules of Practice and Procedure.

7. Parties shall observe and comply with the ex parte communications rules set forth in Rules 7 and 7.1 of the Rules of Practice and Procedure.

8. The principal hearing officer in this proceeding is ALJ Galvin.

9. An evidentiary hearing in the proceeding shall be held beginning at 10:00 a.m., October 19, 2004 and continue, as needed, through and including October 20, 2004 in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.

Dated March 4, 2004, at San Francisco, California.

/s/ SUSAN P. KENNEDY

Susan P. Kennedy
Assigned Commissioner

APPENDIX A
SERVICE LIST IN A.03-12-008

Appearance

Lynne McGhee
Attorney at Law
California Water Company
1720 N. First Street
San Jose, CA 94061

Sung Han
Calif. Public Utilities Commission
Water and Natural Gas Branch
Room 3200
505 Van Ness Avenue
San Francisco, CA 94102-3214

James E. Scarff
Calif. Public Utilities Commission
Legal Division
Room 5121
505 Van Ness Avenue
San Francisco, CA 94102-3214

Information Only

Jack L. Chacanaca
Leona Valley Cherry Growers Assn.
26201 Tuolumne Street
Mojave, CA 93501

Roger Berger
Leona Valley Town Council
40240 95th Street West
Leona Valley, CA 93551-7322

State Service

Maria E. Stevens
Calif. Public Utilities Commission
Executive Division
320 West 4th Street, Suite 500
Los Angeles, CA 90013

Fred L. Curry
Calif. Public Utilities Commission
Water Advisory Branch
Room 3106
505 Van Ness Avenue
San Francisco, CA 94102-3214

Michael J. Galvin
Calif. Public Utilities Commission
Division of Administrative Law Judges
Room 5015
505 Van Ness Avenue
San Francisco, CA 94102-3214

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Assigned Commissioner's Scoping Memo and Ruling on all parties of record in this proceeding or their attorneys of record.

Dated March 4, 2004, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.